REMARKS

Claims 1-22 were rejected under 35 USC 102(e) as being anticipated by Guarraci et al. (US Pub 2004/0267918). Applicant respectfully traverses this rejection based on the following.
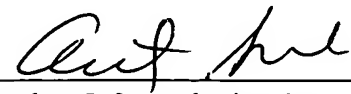
Guaracci et al. was filed on June 30, 2003. Applicant encloses a Rule 131 Affidavit to swear behind the filing date of Guaracci et al. As indicated by the Rule 131 Affidavit and Applicants' Invention Disclosure submitted on May 7, 2003, Applicant conceived and reduced his invention to practice by March 2003. Therefore, Guaracci et al. is not an effective reference against the present patent application.

Applicant also notes that Guaracci et al. fail to disclose a key feature of the present invention, i.e. pinning a power reset procedure to memory at a remote server. This enables the power reset procedure to be functional despite a shortage of memory at the remote server that causes other critical functions to fail and allows power reset of the remote computer to correct problems with the remote computer. Guaracci et al. are concerned with something different, i.e. the communication channel between the controlling computer and the remote computers - remotely monitoring computer systems over an out-of-band communication channel when the in-band communication channel is unavailable. Therefore, even if Guaracci et al. were to predate the present invention, the rejection under 35 USC 102 should be withdrawn. Moreover, Guaracci et al. fail to teach or even suggest the present invention, so a rejection under 35 USC 103 would be equally unfounded.

Based on the foregoing, the present patent application should be allowed.

Respectfully submitted,

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Telephone: 607-429-4368
Fax No.: 607-429-4119

Arthur J. Samodovitz, Reg. No. 31,297